IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

Crl. Rev. Pet. No. 3942 of 2006

CRA.245/2006 of SESSIONS COURT, PALAKKAD
ST.1853/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PALAKKAD
.....

REVN. PETITIONER/APPELLANT/ACCUSED

C.V. JOSE, S/O. C.P. VARKEY,
CHATHANKANDATHIL TRADERS, MARKET P.O.,
MUVATTUPUZHA, ERNAKULAM DISTRICT.

BY ADV. SRI. S. ARUN RAJ
SRI. P. DANIEL

RESPONDENTS/ RESPONDENT/COMPLAINANT & STATE
----

1. **M/S. PREMIER AGRO PRODUCT (P) LTD.,**
   KINASSERY P.O., PALAGHAT,
   REPRESENTED BY ITS MANAGER.

2. **STATE OF KERALA, REPRESENTED BY**
   PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI. JACOB SEBASTIAN
R2 BY PUBLIC PROSECUTOR SRI. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

=.

Crl.R.P. No. 3942 of 2006

=.=.=.=.=.=.=.==.=..=.==.=.=.=.=.=.=.=.

Dated this the 17th day of January, 2007.

ORDER

Revision Petitioner is the accused in S.T.No.1853 of on the file of the Judicial First Class Magistrate Court–II, -II, Palakkad. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of three months under section 138 of the Negotiable Instruments Act and to pay a compensation of Rs. 15,000/-to the complainant company within one month and in default to undergo simple imprisonment for one month. In appeal filed by him, the conviction was confirmed but sentence was modified by the Sessions Court, Palakkad Division. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.126 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the complainant Company. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.126 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**